

11/7/03

11-13-2003

Form PTO-1594

REC

U.S. DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office

(Rev. 10/02)

OMB No. 0651-0027 (exp. 6/30/2005)

Tab settings → → → ↓

102599019



To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

Degussa Construction Chemicals (Europe) AG  
formerly known as MBT Holding AG

- ☐ Individual(s) ☐ Association  
☐ General Partnership ☐ Limited Partnership  
☒ Corporation-Switzerland  
☐ Other \_\_\_\_\_

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

## 3. Nature of conveyance:

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other: \_\_\_\_\_

Execution Date: 10/27/2003, 11/03/2003

## 2. Name and address of receiving party(ies)

Name: Construction Research & Technology GmbHInternal  
Address: \_\_\_\_\_Street Address: Dr.-Albert-Frank-Strasse 32City: Trostberg Country: Germany Zip: D-83308☐ Individual(s) citizenship☐ Association☐ General Partnership \_\_\_\_\_☐ Limited Partnership \_\_\_\_\_☒ Corporation-Country Germany☐ Other \_\_\_\_\_If assignee is not domiciled in the United States, a domestic  
representative designation is attached: ☐ Yes ☒ No

(Designations must be separate document from assignment)

Additional name(s) & address(es) attached? ☐ Yes ☒ No

## 4. Application number(s) or registration number(s):

A. Trademark Application No.(s)  
76/052,446B. Trademark Registration No.(s)  
260,656Additional number(s) attached ☒ Yes ☐ No5. Name and address of party to whom correspondence  
concerning document should be mailed:Name: Joseph G. CuratoloRenner, Kenner, Greive, Bobak, Taylor & Weber

Internal Address:

Street Address: 24500 Center Ridge Road, Suite 280City: Westlake State OH Zip: 441456. Total number of applications and  
registrations involved: .....

135

## 7. Total fee (37 CFR 3.41) ..... \$3,390.00

☒ Enclosed☐ Authorized to be charged to deposit account

## 8. Deposit account number:

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

## 9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true  
copy of the original document.*Joseph G. Curatolo

Name of Person Signing

Joseph G. Curatolo  
SignatureNov. 7, 2003

Date

Total number of pages including cover sheet, attachments and document: 10

11/12/2003 ECOOPER 00000127 76052446

01 FC:0521  
02 FC:052240.00 OP  
3350.00 OPMail documents to be recorded with required cover sheet information to:  
Mail Stop Assignment Recordation Services  
Director of the U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450TRADEMARK  
REEL: 002856 FRAME: 0975

# CONTINUATION OF ITEM 4 OF FORM PTO-1594

Additional Trademark Registration Nos.

Registration No.

276,483  
353,184  
385,340  
416,921  
420,024  
421,015  
425,286  
500,536  
667,010  
684,990  
694,076  
741,479  
748,020  
762,948  
766,187  
771,705  
784,224  
796,246  
800,558  
810,921  
810,933  
813,164  
816,820  
823,253  
823,266  
823,864  
823,891  
833,176  
836,951  
872,852  
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1,196,037  
1,199,566  
1,200,440

Registration No.

1,214,850  
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1,228,015  
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1,820,630  
1,853,414  
1,865,120  
1,892,872  
1,943,208  
1,965,706  
2,162,047  
2,239,537  
2,366,608  
2,437,442

Registration No.

2,500,991  
2,505,481  
2,505,482  
2,510,468  
2,513,115  
2,550,435  
2,559,346  
2,578,149  
2,633,747  
2,634,513  
2,678,952  
2,682,720  
2,694,858

Additional Trademark Serial Nos.

Serial No.

76/484,246  
76/358,305  
78/252,096

ASSIGNMENT  
U. S. TRADEMARKS

THIS ASSIGNMENT, effective as of the 1<sup>st</sup> day of April, 2003, from Assignor, Degussa Construction Chemicals (Europe) AG, formerly known as MBT Holding AG, a corporation duly organized and doing business under the laws of the country of Switzerland, with its principal place of business at Vulkanstrasse 110, CH-8048 Zürich, Switzerland, to Assignee, Construction Research & Technology GmbH, having a principal place of business at Dr.-Albert-Frank-Strasse 32, D-83308 Trostberg, Germany;

WHEREAS, as of the effective date, Assignor sold, transferred and assigned to Assignee for its free and unrestricted use, certain registered and unregistered trademark and service mark rights, trade names, labels, logos, and other intellectual property rights, in particular trademarks and service marks listed in Annex 1 hereto for the full period of the registrations and all extensions and renewals thereof, and the right to apply for any of the foregoing in any part of the world, together with all Reputation (Goodwill) of the Assignor;

WHEREAS, Assignor has agreed to execute all documents and assignment certificates to the extent necessary to record the transfer of all intellectual property rights to Assignee;

WHEREAS, on July 7, 2003, Assignor changed its name from MBT Holding AG to Degussa Construction Chemicals (Europe) AG, as shown in the Commercial Register of August 25, 2003, a copy of which is attached as Annex 2.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor, Degussa Construction Chemicals (Europe) AG, hereby perfects the sale, transfer and assignment to Assignee, Construction Research & Technology GmbH, of the entire right, title and interest in and to the marks listed on Annex 1 attached hereto and all applications and registrations in the United States for the marks listed on Annex 1 attached hereto, together with the goodwill of the business in connection with which the marks listed on Annex 1 are used and which are symbolized by the marks listed on Annex 1, along with the right to recover for damages and profits for past infringements thereof.

Assignor:

Degussa Construction Chemicals (Europe) AG

By: Christoph Schuy  
 Name: Christoph Schuy  
 Title: Director

By: Hugo Schubiger  
 Name: Hugo Schubiger  
 Title: Director

Date: October 27<sup>th</sup>, 2003

Assignee:

Construction Research &amp; Technology GmbH

By: H. Lebert  
 Name: H. Lebert  
 Title: Managing Director

By: Dr. Schmid  
 Name: Dr. Schmid  
 Title: General Manager

Date: November 3rd, 2003

**Annex 1**  
**United States Trademarks**  
**Registered/Pending**

Trademark	Registration No.	Registration Date
ACCEL-A-SET	1,267,470	21-Feb-84
ACRYL 60	941,226	22-Aug-72
AE AND DESIGN	784,224	2-Feb-65
ANVIL-BOND	1,417,997	25-Nov-86
ANVIL-TOP	684,990	15-Sep-59
APE	1,383,691	18-Feb-86
ARCHITURA	2,162,047	2-Jun-98
BUILD WITH CONFIDENCE	2,694,858	11-Mar-03
CEILCOTE	947,798	28-Nov-92
CEILCRETE	1,286,693	24-Jul-84
CEILGARD	1,374,461	10-Dec-85
COLOR CURE	1,892,872	9-May-95
COLORCRON	500,536	1-Jun-48
CONCHEM	1,445,765	7-Jul-87
CONCRESSIVE	694,076	8-Mar-60
CONFILM	823,266	31-Jan-67
COROCRETE	1,286,692	24-Jul-84
DELVO	1,504,454	20-Sep-88
D-J	1,172,275	6-Oct-81
DRYJOINT	1,176,214	3-Nov-81
ELMAX	1,417,998	25-Nov-86
EMBECO	276,483	21-Oct-30
EMBEGUARD	1,403,648	5-Aug-86
ENVIROSEAL	1,853,414	13-Sep-94
EPOCLEANSE	813,164	16-Aug-66
EXPANDEX	1,820,630	8-Feb-94
FEB	1,222,257	4-Jan-83
FEB	1,214,850	2-Nov-82
FEBFLEX	1,228,015	22-Feb-83
FEBFLEX	1,196,037	25-May-82
FILMIX	420,024	19-Mar-46
FLAKELINE	1,292,271	28-Aug-84
FLAKELINE	810,921	12-Jul-66
FLAKETAR	1,298,295	2-Oct-84
FLOOR CRAFTERS	425,286	12-Nov-46
FURCON	1,219,999	14-Dec-82
GLENIUM	2,366,608	11-Jul-00
HORSEY-SET PRODUCTS	1,480,344	15-Mar-88
HPS ACCELERATOR	1,481,243	22-Mar-88
HYDROZO	1,048,537	21-Sep-76
ISO-FLEX	1,098,783	8-Aug-78
KOMUL	416,921	2-Oct-45
KOMUL	421,015	14-May-46
LUBRILITH	800,558	21-Dec-65
LUMIMARK	2,513,115	27-Nov-01
LUMIMARK and Design	2,559,346	9-Apr-02

**Annex 1**  
**United States Trademarks**  
**Registered/Pending**

Trademark	Registration No.	Registration Date
LUMIMARK and Design	2,550,435	19-Mar-02
LUMIMARK Device	2,505,482	6-Nov-01
LUMIMARK Device	2,505,481	6-Nov-01
LUMIMARK Device	2,500,991	23-Oct-01
MASTER BUILDERS	823,891	14-Feb-67
MASTER BUILDERS	823,864	14-Feb-67
MASTER TITE	2,239,537	13-Apr-99
MASTERCRON	833,176	8-Aug-67
MASTERFILL	1,598,018	29-May-90
MASTERFLOW	1,050,681	19-Oct-76
MASTERKURE	385,340	25-Feb-41
MASTERPATCH	2,510,468	20-Nov-01
MASTERPAVE	1,965,706	2-Apr-96
MASTERPLATE	353,184	28-Dec-37
MASTERPREN	1,783,779	27-Jul-93
MASTERSEAL	260,656	27-Aug-29
MASTERTOP	1,571,939	19-Dec-89
MASTERTOP	1,819,616	8-Feb-94
MAXHESIVE	1,297,308	25-Sep-84
MBRACE	2,633,747	15-Oct-02
MB-VR	741,479	4-Dec-62
MEYCO	1,619,439	30-Oct-90
MEYCO	1,597,007	22-May-90
MICRO-AIR	667,010	16-Sep-58
NOVALITE	762,948	14-Jan-64
PENN CRETE	872,852	15-Jul-69
PENN CRETE SCRATCH AND BROWN	1,472,295	12-Jan-88
POLYHEED	1,496,370	19-Jul-88
POWERCRETER (STYLIZED)	1,332,894	30-Apr-85
POZZOLITH	823,253	31-Jan-67
POZZOLITH	974,516	11-Dec-93
POZZUTEC	1,508,701	18-Oct-88
PRO-AIR	748,020	16-Apr-63
PRO-COTE	816,820	18-Oct-66
PRO-FLOW	1,200,440	6-Jul-82
PRO-KRETE	1,562,873	31-Oct-89
PROMDEK	766,187	10-Apr-64
PROTEX PDA	836,951	17-Oct-67
PROWELD-D	940,259	8-Aug-72
RHEOBUILD	1,406,374	26-Aug-86
RHEOCELL	1,794,566	28-Sep-98
RHEOCEM	1,384,874	4-Mar-86
RHEOCRETE	1,721,250	6-Oct-92
RHEODYNAMIC & Design	2,678,952	21-Jan-03
RHEOFINISH	1,604,229	3-Jul-90
RHEOMAC	1,865,120	29-Nov-94



Annex 1  
United States Trademarks  
Registered/Pending

Trademark	Registration No.	Registration Date
RHEOMIX	1,565,326	14-Nov-89
SAND CASTE	1,247,095	2-Aug-83
SCB	1,080,026	20-Dec-77
SELBAFLOR	796,246	21-Sep-65
SELBALITH	810,933	12-Jul-66
SELBY BATTERSBY & CO.	771,705	23-Jun-64
SENERFLEX	1,468,338	8-Dec-87
SENERGY	1,460,906	13-Oct-87
SENERGY	2,682,720	4-Feb-03
SENERTHIK	1,468,339	8-Dec-87
SET-45	1,096,778	18-Jul-78
SEWER GUARD	1,229,837	8-Mar-83
SHOTPATCH	1,788,165	17-Aug-93
SILCOAT	1,943,208	19-Dec-94
STARBOOSTER	1,305,756	20-Nov-84
STRUCTURITE	1,459,234	30-Mar-95
THERMWALL	1,223,731	11-Jan-83
THORITE	940,816	15-Aug-72
THORO	1,626,495	11-Dec-90
THORO	1,042,310	29-Jun-76
THORO + device (circle in shaded square)	1,626,496	11-Dec-00
THOROBOND	941,225	22-Aug-72
THOROC	2,437,442	20-Mar-01
THOROCOAT	943,534	3-Jul-73
THOROGLAZE	940,815	15-Aug-72
THOROLASTIC	1,301,097	23-Oct-84
THOROPATCH	940,814	15-Aug-72
THOROSEAL	941,228	22-Aug-72
THOROSHEEN	935,567	13-Jun-72
THOROSHIELD	1,529,151	14-Mar-89
THOROSILANE	1,529,150	14-Mar-89
THOROTOP	1,528,257	7-Mar-89
THOROWALL	1,257,905	8-Nov-83
UCRETE	1,030,416	20-Jan-76
WABO	981,802	9-Apr-74
WABO	2,578,149	11-Jun-02
WABOCRETE	1,199,566	29-Jun-82
WATERPLUG	941,227	22-Aug-72
WATSON BOWMAN ACME LOGO	2,634,513	15-Oct-02

Trademark	Serial Number	Filing Date
EXPLORING TOMORROW TODAY	76/358,305	14-Jan-02
FLOORCRAFTER	76/052,446	19-May-00
MBT	78/252,096	20-May-03
MEYCO FIX FIRESHIELD	76/484,246	23-Jan-03



# HANDELSREGISTERAMT DES KANTONS ZÜRICH

## CERTIFICATION

issued by the Commercial Registry of Canton Zurich

It is hereby certified that the following company is entered in the Commercial Register of Canton Zurich: a joint stock company by the name of

Degussa Construction Chemicals (Europe) AG-----  
(Degussa Construction Chemicals (Europe) SA) (Degussa Construction Chemicals  
(Europe) Ltd)-----

domiciled in Zurich-----  
 Address: Vulkanstrasse 110, 8048 Zurich-----

This company has been entered in the Commercial Register of Canton Zurich since 18 January 1988. It has been entered in the aforementioned register under the following versions:

From 12 August 1988 - 07 July 2003

MBT Holding AG-----  
(MBT Holding SA) (MBT Holding Ltd)-----

It has been entered since 07 July 2003 under the following name:

Degussa Construction Chemicals (Europe) AG-----  
(Degussa Construction Chemicals (Europe) SA) (Degussa Construction Chemicals  
(Europe) Ltd)-----

(In reference to the aforementioned joint stock company, there was another version of the company name entered in the Commercial Register of Canton Zurich prior to 12 August 1988).

It is further certified that the aforementioned company is organized according to the laws of Switzerland.

Zurich, Switzerland, 25 August 2003  
 Company number: CH-020.3.916.892-5  
 Signed: AE  
 Fee: CHF 120.--



*E. Aschard*